

Appl. No. 09/767,918
Amendment dated: July 11, 2003
Reply to OA of: April 15, 2003

REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. The claims have been amended for purposes of clarification and the amendments are fully supported by the specification as originally filed.

The rejection of claims 11-20 under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed has been carefully considered but is most respectfully traversed.

Applicants most respectfully submit that the best mode contemplated by the inventors is included in the application. Note in particular the detailed description of the preferred embodiment beginning at page 5 of the specification.

The Examiner urges that evidence of concealment of the best mode is based upon that the disclosure fails to accurately and precisely disclose the chemical composition of Cr/CrO_x layer and the AlO_x layer. This statement is specifically traversed. As noted at page 10 of Applicants specification, this invention specifically discloses and describes selected the best examples. It is understood, however, that this invention is not limited to the specific features shown and described. The invention as claimed in any forms or modifications within the spirit and the scope of the appended claims. In this regard, the Examiner's attention is most respectfully directed to the detailed disclosure of processing conditions to arrive at the presently claimed invention. The Examiner's specific statement is traversed and clarification is requested with respect to the chemical compositions of Cr/CrO_x layer and the AlO_x layer. The processing conditions are described and it is apparent from the rejection that the Examiner requires that Applicants do further analysis to determine the exact chemical nature of the composition which fails to provide the x value. It certainly does not suggest evidence of concealment and this statement in the Official Action is respectfully traversed and should be withdrawn. The best mode is with respect to the time at which the invention was made. Accordingly, it is most respectfully requested that this rejection be withdrawn.

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The rejection of claims 11-20 under 35 U.S.C. 103(a) as being unpatentable over Spindt '614 in view of Tjaden '919 in further view of Amrine '287 has been carefully considered but is most respectfully traversed in view of the following comments.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

With respect to the prior art cited in the rejection, Applicants wish to note that the difference between the cited reference '287 and the invention, the use of metal making anodic bonding effect, is that the invention utilizes AlO_x/CrO_x but the '287 reference is utilizes Al/Cr , which is following as the data of the experiment. There is no teaching to modify the reference absent Applicants' teaching which may not be used as a teaching reference. In re Fritch, 23 USPQ 1780, 1784 (Fed Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.).

Method { Secondly, the difference between the cited reference '287 and the invention, the real procedure of packing technology, is that anode plate is directed to first evaporate the thin film (Al) after coating CM/Phosphor and, further the surface of the thin film (Al)

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is oxidized to AlO_x via sintering and, then let the thin film (Al) be done by spacer anodic bonding but the procedure of '287 is that (1) coating; (2) first sintering BM/Phosphor; (3) evaporating; and (4) further sintering, which the procedure of the invention fully simplifies better than '287.

Further, the other difference between the cited reference '287 and the invention, the possibility of oxidization with using metal, is that the metal with Al/Cr in the invention is capable of the oxidization but it needs to permeate additional gas to avoid oxidizing on others elements while anodic bonding in the claim 10 of '287.

Finally, while the overall structures of both of the cited references '614 and '919 are the same as the invention, which is fully involved in the background of the invention. Of course, the disadvantage of the '614 and '919 are just right where the inventor will improve. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
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